REMARKS

Initially, Applicants' attorney notes that, as required by Rule 1.121, the claim to be amended by this Amendment has been presented above, with amendments in clean form, as well as in the final page of this Amendment in marked-up form to show the changes made.

Applicant's have taken note of the rejections of Claims 9 – 17 under 35 U.S.C. 112 for reasons set forth in the Official Action.

The applicants respectfully traverse this entire approach and do not find it necessary to counter the examiner's arguments point by point, since the claim format objected to by the examiner has been well accepted by the United States Patent Office for many years. Applicants' undersigned attorney realizes that the issuance of a patent containing a certain claim format is not binding upon the examiner.

Nevertheless, as a sample, applicants' undersigned attorney encloses herewith a copy of Claims 15, 17, 19 and 21 of United States Patent 5,322,858 in which language substantially is similar to that objected to by the examiner has been allowed. It is respectfully requested that the examiner withdraw this grounds for rejection.

Applicants have carefully considered the rejection of Claims 9 – 12 over the cited prior art. In view of this citation applicant's have amended Claims 9 – 11 to conform to the scope of allowed Claim 1 of the parent application hereof, which is now United States Patent 6,057,422.

It is applicants' position that since a claim of this scope has been found to be a novel and unobvious, method of use claims of the same scope claiming a priority from the parent application should equally be considered a novel and unobvious. In view of the foregoing amendments and arguments, nothing is added to the Examiner's position by citation of the references W095/16707 and Sato et al.

Hence all of the claims in the present application as amended should be passed to issue forthwith.

No fees are believed to be due in connection with the submission of this Amendment. However, should there be any fees due, including extension and petition fees, the Examiner is hereby authorized to charge them to Deposit Account No. 19-1218.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES

In the Claims

Claims 9 through 11 have been amended to read as follows:

9. (Twice Amended) A method of suppressing excessive levels of GH in a patient in need of same which comprises administering to said patient an effective amount of a peptide selected from the group having the formulae:

X-R^1-R^2-Asp-Ala-R^5-R^6-Thr-R^8-R^9-R^{10}-Arg-R^{12}-R^{13}-R^{14}-R^{15}-R^{16}-Leu-R^{18}-R^{19}-Arg-R^{21}-R^{22}-Leu-Gln-Asp-Ile-R^{27}-R^{28}-R^{29}-NH_2

wherein X is PhAc, IndAc, [Ibu,] or Nac, [1- or 2-Npr, or Fpr,]

R^1 is Tyr or His,

R^2 is D-Arg [or D-Cit],

R^5 is Ile or Val,

R^6 is Phe, Nal or Phe(Y), in which Y=[F,] Cl, [Br,]

R^8 is Asn, Gln, [Ser, Thr,] Ala, or D-Asn, [D-Gln, D-Ser, D-Thr, Abu, D-Abu, or Aib,]

R^9 is Arg, Har, Lys, Orn, D-Arg, D-Har, D-Lys, D-Orn, Cit, Nle, Tyr (Me), Ser, Ala or Aib,

R^{10} is Tyr or [Phe(Y), in which Y=H, F, Cl, Br, or OCH_3] or Tyr(Me),

R^{12} is Lys, [D-Lys, or Orn,]

R^{13} is Val or Nle,

R^{14} is Leu or Nle,

R^{15} is Gly, Ala, Abu, Nle or Gln,

R^{16} is Gln or Arg,

R^{18} is Ser or Nle,

R^{19} is Ala [or Abu],

R^{21} is Lys [or Orn],

R^{22} is Leu, Ala or Aib,

R^{27} is Met, Leu, Nle, Abu, or D-Arg,

R^{28} is Arg, D-Arg, or Ser, [Asn, Asp, Ala or Abu,]

R^{29} is Arg, D-Arg, Har or D-Har,

provided that where R^9 and R^{28} are Ser, R^{29} is other than Arg or Har,
and pharmaceutically acceptable salts thereof .

10. (Twice amended) A method of treating a patient having a cancer carrying receptors for IGF-I or –II which comprises administering to said patient an effective amount of a peptide selected from the group having the formulae:

X-R^1-R^2-Asp-Ala-R^5-R^6-Thr-R^8-R^9-R^{10}-Arg-R^{12}-R^{13}-R^{14}-R^{15}-R^{16}-Leu-R^{18}-R^{19}-Arg-R^{21}-R^{22}-Leu-Gln-Asp-Ile-R^{27}-R^{28}-R^{29}-NH_2

wherein X is PhAc, IndAc, [Ibu,] or Nac, [1- or 2-Npr, or Fpr,]

R^1 is Tyr or His,

R^2 is D-Arg [or D-Cit],

R^5 is Ile or Val,

R^6 is Phe, Nal or Phe(Y), in which Y=[F,] Cl, [Br,]

R^8 is Asn, Gln, [Ser, Thr,] Ala, or D-Asn, [D-Gln, D-Ser, D-Thr, Abu, D-Abu, or Aib,]

R^9 is Arg, Har, Lys, Orn, D-Arg, D-Har, D-Lys, D-Orn, Cit, Nle, Tyr (Me), Ser, Ala or Aib,

R^{10} is Tyr or [Phe(Y), in which Y=H, F, Cl, Br, or OCH_3] or Tyr(Me),

R^{12} is Lys, [D-Lys, or Orn,]

R^{13} is Val or Nle,

R^{14} is Leu or Nle,

R^{15} is Gly, Ala, Abu, Nle or Gln,

R^{16} is Gln or Arg,

R^{18} is Ser or Nle,

R^{19} is Ala [or Abu],

R^{21} is Lys [or Orn],

R^{22} is Leu, Ala or Aib,

R^{27} is Met, Leu, Nle, Abu, or D-Arg,

R^{28} is Arg, D-Arg, or Ser, [Asn, Asp, Ala or Abu,]

R^{29} is Arg, D-Arg, Har or D-Har,

provided that where R^9 and R^{28} are Ser, R^{29} is other than Arg or Har,
and pharmaceutically acceptable salts thereof .

11. (Twice Amended) A a method for inhibiting IGF-II levels in tumors (cancers) and the expression of mRNA for IGF-II in the same tumors, which comprises administering to said patient an effective amount a peptide selected from the group having the formulae:

X-R^1-R^2-Asp-Ala-R^5-R^6-Thr-R^8-R^9-R^{10}-Arg-R^{12}-R^{13}-R^{14}-R^{15}-R^{16}-Leu-R^{18}-R^{19}-Arg-R^{21}-R^{22}-Leu-Gln-Asp-Ile-R^{27}-R^{28}-R^{29}-NH_2

wherein X is PhAc, IndAc, [Ibu,] or Nac, [1- or 2-Npr, or Fpr,]

R^1 is Tyr or His,

R^2 is D-Arg [or D-Cit],

R^5 is Ile or Val,

R^6 is Phe, Nal or Phe(Y), in which Y=[F,] Cl, [Br,]

R^8 is Asn, Gln, [Ser, Thr,] Ala, or D-Asn, [D-Gln, D-Ser, D-Thr, Abu, D-Abu, or Aib,]

R^9 is Arg, Har, Lys, Orn, D-Arg, D-Har, D-Lys, D-Orn, Cit, Nle, Tyr (Me), Ser, Ala or Aib,

R^{10} is Tyr or [Phe(Y), in which Y=H, F, Cl, Br, or OCH_3] or Tyr(Me),

R^{12} is Lys, [D-Lys, or Orn,]

R^{13} is Val or Nle,

R^{14} is Leu or Nle,

R^{15} is Gly, Ala, Abu, Nle or Gln,

R^{16} is Gln or Arg,

R^{18} is Ser or Nle,

R^{19} is Ala [or Abu],

R^{21} is Lys [or Orn],

R^{22} is Leu, Ala or Aib,

R^{27} is Met, Leu, Nle, Abu, or D-Arg,

R^{28} is Arg, D-Arg, or Ser, [Asn, Asp, Ala or Abu,]

R^{29} is Arg, D-Arg, Har or D-Har,

provided that where R^9 and R^{28} are Ser, R^{29} is other than Arg or Har,

and pharmaceutically acceptable salts thereof .